

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

MAHZAR PASHA,)	
)	
Petitioner,)	
)	
v.)	CIVIL ACTION NO. 2:06-CV-445-MHT
)	
SCOTT MIDDLEBROOKS,)	
)	
Respondent.)	

ORDER

This cause is before the court on a 28 U.S.C. § 2241 petition for habeas corpus relief filed by Mahzar Pasha [“Pasha”], a federal inmate. The respondent filed a response in which he argues that the petition for habeas corpus relief should be dismissed because the petitioner has failed to exhaust his available administrative remedies. *Respondents’ Answer* at 3. Specifically, the respondent argues “[t]he General Counsel’s Office has not yet responded to [the petitioner’s administrative remedy] appeal.” *Respondent’s Exhibit 1 - Affidavit of Terry Collins* at 2.

Upon review of the respondent’s response and in light of the circumstances of this case, it appears to the court that the instant petition should be dismissed because the petitioner has failed to exhaust administrative remedies available to him prior to filing this federal cause of action. *See Skinner v. Wiley*, 355 F.3d 1293, 1294 (11th Cir. 2004); *Alexander v. Hawk*, 159 F.3d 1323, 1324 (11th Cir. 1998); *Irwin v. Hawk*, 40 F.3d 347 (11th

Cir. 1994); *Gonzalez v. United States*, 959 F.2d 211 (11th Cir. 1992). The pleadings filed in this case indicate that Pasha has not exhausted available administrative remedies with respect to the claim presented in his petition for habeas corpus relief. Moreover, it does not appear that exhaustion of these remedies will be futile. Accordingly, it is

ORDERED that on or before July 24, 2006 the petitioner shall show cause why his petition should not be dismissed for failure to exhaust administrative remedies.

Done this 12th day of July, 2006.

/s/ Vanzetta Penn McPherson
UNITED STATES MAGISTRATE JUDGE